

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

SDM HOLDINGS, LLC,)
)
 Plaintiff,)
)
 v.) Case No.: 09-CIV-0969-R
)
 REASSURE AMERICA LIFE INSURANCE)
 COMPANY,)
)
 Defendant.)

PLAINTIFF'S MOTION TO REOPEN CASE

Plaintiff SDM Holdings, LLC ("SDM") respectfully requests the Court enter an order reopening the case. The parties reached an agreement with respect to the essential elements of the agreement over six weeks ago. However, the parties are at an impasse with respect to the finalization of a written settlement agreement. The parties' points of disagreement center on two points:

One. Reassure America Life Insurance Company ("Reassure") will not agree to sign or be a party to any written settlement agreement, even the settlement agreement it drafted and asked SDM to sign.

Two. Reassure has asked SDM to release Reassure from any and all claims relating to the litigation and policies at issue, but will not provide SDM with a reciprocal release.

The essential term of the settlement agreement – Reassure's agreement to pay and SDM's agreement to accept a certain amount – is not in dispute. Nor is the mutual agreement of the parties that the lawsuit be dismissed when the settlement is finalized. However, when this agreement was reached on April 8th, the parties did not at that time discuss the scope or nature of any other terms of a settlement agreement, including

mutual releases. Nor did Reassure ever indicate that it would refuse to sign a written settlement agreement. Through the process of exchanging drafts of the settlement agreement, the parties' lack of agreement became apparent.

For these reasons, SDM requests the Court reopen this matter to allow SDM the opportunity to file a motion to enforce the terms of the settlement agreement reached by the parties on April 8th or, in the alternative, set the matter for trial.

Respectfully submitted,

s/ Shannon K. Emmons

Melvin R. McVay, Jr. OBA#6096
Shannon K. Emmons, OBA#14272
Catherine L. Campbell, OBA#14689
PHILLIPS MURRAH P.C.
13th Floor | Corporate Tower
101 N. Robinson
Oklahoma City, OK 73102
Telephone: (405) 235-4100
Facsimile: (405) 235-4133
mrmcvay@phillipsmurrah.com
skemmons@phillipsmurrah.com
clcAMPBELL@phillipsmurrah.com

Attorneys for Plaintiff SDM Holdings, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of May, 2013, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Lawrence R. Scheetz	lawrence.scheetz@dbr.com
Stephen C. Baker	stephen.baker@dbr.com
Robert J. Mancuso	robert.mancuso@dbr.com
Larry D. Ottaway	larryottaway@oklahomacounsel.com
Amy Sherry Fisher	amyfischer@oklahomacounsel.com
Andrew M. Bowman	andrewbowman@oklahomacounsel.com

s/ Shannon K. Emmons

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